

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

December 8, 2009

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:02 PM, Tuesday, December 8, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Norm Nyberg, Joel Benson, Brett Mitchell, Robert Flint, Duff Lacy, Town Administrator Sue Boyd, Police Chief Jimmy Tidwell, Public Works Director Roy Gertson, Fire Chief Darrell Pratt, Town Planner Shannon Haydin, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Trustee Baker was absent.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

AGENDA ADOPTION

Trustee Flint requested the addition of the Re-appointment of Nancy Walters to the Northern Chaffee County Library District as Item B under New Business.

Motion #1 by Trustee Benson, seconded by Trustee Mitchell, to adopt the agenda as amended.

CONSENT AGENDA

A. Minutes

1. Regular Meeting – November 24, 2009

B. Advisory Board Minutes

1. Beautification Advisory Board
2. Tree Board
3. Trails Advisory Board

Trustee Benson asked about the Town of Beulah on page 12. It was noted it should be "Yuma". Trustee Flint requested a change on page 13, the first bullet, the second line should say the trailer "had to be disconnected".

Motion # 2 by Trustee Benson, seconded by Trustee Flint, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

No comments were received.

OLD BUSINESS

CONTINUATION OF PUBLIC HEARING – THE TOWN OF BUENA VISTA 2010 BUDGET

Mayor Russell opened the Public Comment portion of the hearing at 7:05 PM with none received and closed the comment portion of the hearing.

Town Treasurer DeChristopher introduced the three resolutions for adoption, noted we will be getting a notice from the Assessor regarding the assessment in the mail tomorrow, if there is a need to make adjustments to the Mill Levy we will set a Special Meeting for that purpose. Discussion followed on a possible date for a Special Meeting. The new budget packet does not have a capital improvement plan but Christine will put the information together and update everyone's packets; projected actual totals are based on totals through October; the Airport budget was redone based on the latest information that has been received.

Discussion followed on the General Fund Transfer of \$550,000 and the Resolution reflects \$570,000 - \$570,000 is the actual number.

- Should the Board approve adoption of Resolution #103, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF BUENA VISTA, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2010 AND ENDING ON THE LAST DAY OF DECEMBER 2010**"?

Motion #3 by Trustee Flint, seconded by Trustee Mitchell, to approve adoption of Resolution #103, Series 2009. Roll call vote: Mitchell-aye, Lacy-aye, Flint-aye, Benson-nay, Nyberg-aye. Motion carried.

- Should the Board approve adoption of Resolution #104, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF BUENA VISTA, COLORADO FOR THE 2010 BUDGET YEAR**"?

Motion #4 by Trustee Mitchell, seconded by Trustee Lacy, to approve adoption of Resolution #104, Series 2009. Roll call vote: Lacy-aye, Benson-nay, Mitchell-aye, Nyberg-aye, Flint-aye. Motion carried.

- Should the Board approve adoption of Resolution #105, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2009, TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF BUENA VISTA, COLORADO FOR THE 2010 BUDGET YEAR**"?

Motion #5 by Trustee Flint, seconded by Trustee Mitchell, to approve adoption of Resolution #105, Series 2009. Roll call vote: Nyberg-aye, Lacy-aye, Mitchell-aye, Flint-aye, Benson-aye. Motion carried.

NEW BUSINESS

Should the Board approve adoption of Resolution # 106, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA APPROVING A LICENSE AGREEMENT FOR AN ENCROACHMENT INTO THE TOWN RIGHT OF WAY FOR PROPERTY AT 905 SWIFT CIRCLE**"?

Town Planner Haydin noted the applicant had an improvement location certificate done that determined a portion of the steps by the front door and some of the rock lays within the Town Right of Way; the Administrator can approve the license administratively, but staff feels the Trustees should review them; JJ needed to close the loan to lock in a rate and we advised him if the Trustees do not approve we will have to rescind the approval on the license agreement; there is a 30 day period to remove his portions of property within the ROW if the Board does not approve.

Discussion followed on history and evidence that this was done in malfeasance, JJ felt that as a PE he should have known where the property lines were; the first half of the first step off the sidewalk is in the ROW and a little of the rock landscaping (6-8 inches); the mortgage company wanted to make sure the

Town is OK with this; number of other homes that may be encroaching in the ROW (possibly one); getting better inspections in the future.

Motion #6 by Trustee Mitchell, seconded by Trustee Flint, to approve adoption of Resolution #106, Series 2009. Motion carried.

SHOULD THE BOARD RE-APPOINT NANCY WALTERS TO THE NORTHERN CHAFFEE COUNTY LIBRARY DISTRICT?

Motion #7 by Trustee Benson, seconded by Trustee Mitchell, to re-appoint Nancy Walters to the Northern Chaffee County Library District. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR:

Administrator Boyd had the following items to cover:

- We are hosting a Holiday Open House from 4PM-6PM on December 16 at Town Hall and inviting Council and the Advisory Boards. Town Hall plans for closures are ½ day Dec. 24 and we'll remain open all day New Year's Eve, this has been discussed with Department Heads.
- We wanted to put together a complete ground lease package to go before the Airport Board, but there were too many holes - we do not have a business plan and it seemed inappropriate to bring it forward at this time. The airport has an AWOS system to record weather data and we have an annual maintenance contract, another company approached the airport to take over the contract and provide services above and beyond the original contractor; the contract renewal date is Feb. 15 and the new contractor would like to be considered for the new contract for formal action in January; he proposes to upload weather data to FAA; the current contractor has the capability but is more costly; we will be considering the two bids in January.
- Met with Ron Southard last week to discuss his intentions to proceed on his own behalf and is interested in resurrecting the conversation of scaling back Phase I without major infrastructure and we will need a Development Agreement; he provided a draft for staff review.
- We are trying to proceed with the demo bump-out on E. Main; spoke with the artist today who designed the furniture and trying to proceed with installation; Judy Hassell indicated the Chamber may be interested in a program called "adopt a bump-out" or "adopt a furniture" and we'll discuss with her after the first of the year.
- On page 48, Cyndi Covell did not think we should file opposition in Case 2009CW110, but did reconsider and feels we should enter into the case and was authorized to proceed to meet the deadline subject to Board ratification; this case has accounting for surface irrigation and obligations the Arkansas has to the State of Kansas and has some implications to the Town.
- We had two public meetings on the street improvement plan but attendance is not what we hoped for and have added another date of December 14 at 6:30 PM and asked Council to encourage others to attend. Christine noted the ½% in sales tax would generate \$250,000 annually and prioritization and feedback is important. Trustee Benson offered that the information was very informative. Discussion followed on having discussions with businesses in Town in January; meetings were designed for getting feed-back; Christine talked to the Bond underwriter to do a flyer for mailing on January 4, 2010.
- We were awarded a GOCO grant to construct the rock garden but not the planning grant for a Parks & Rec Facility Master Plan. The Rec Board meets tomorrow to discuss the process and the desire to proceed is still there; we were also awarded the grant to restore the windows at Town Hall.
- Mayor Russell asked about the Economic Development Corp. on page 54. Sue advised that Dennis Giese came to the Administrators meeting before Thanksgiving and indicated they are re-grouping since they lost an important person in the group, Wayne Lovejoy, and were disappointed in the product they received from the consultant profiling the baseline for each community; we are waiting to hear more. Discussion followed on the Group felt they paid a lot of money for a product that could have been put together by the staff from the different jurisdictions; Dennis stated they

are looking at a membership structure, one opening is for an elected official, one way for the Town's to participate is for them to join as a member of the organization.

TOWN TREASURER

- Trustee Benson asked about the payment on page 87 of \$1461.75. Roy stated it is 175 watt mercury vapor street lights and there are 40 of them.
- Mayor Russell noted a purchase of gasoline for the airport and asked how long it will carry us. Christine advised until next spring; when the army was here it fell to a certain level, we did not want them empty in the winter and they are now almost full.

POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT

- Mayor Russell noted an individual was "put away". Chief Tidwell stated they turned it over to the Secret Service who was elated to get it and we have not had a single call since then and outlined some specifics of the case.

PUBLIC WORKS DEPARTMENT

- Roy Gertson noted the Sangre De Cristo electric billing is now on Town water, the project is almost complete and needs some final inspections and clean up.
- Mayor Russell asked about the subdivisions still on the report. Roy has talked to staff and will be working on this after the first of the year with Rachael; has not heard from S. Main on the bill of sale and infrastructure costs and may have to send out some letters; Sunset IV was not part of the bankruptcy and someone is responsible for sidewalks and trees. Sue Boyd noted they are not part of the bankruptcy, a company is part of the obligation and needs to be worked with and will follow-up. Discussion followed on getting a new letter of credit as an option; sidewalks have to be completed before a C.O. is issued; Roy has talked to Bruce Kramer (Meadow Ridge) informing him a letter will be sent stating we have accepted the infrastructure; Harrison is now a Town Street that is our responsibility, there are a few minor issues that True Value will take care of. Roy noted the snow came in around 4:30 AM today and had some down-time with equipment that set them back and Public Works needs a few more days to dig out.
- Trustee Lacy asked about a plan for the bump-outs and all the snow. Roy noted the snow is in the parking spaces around the bump-outs and staff will start removing snow on Main Street, this has added to the work load, we are getting calls from citizens about getting their streets plowed and are doing the best we can.

TRUSTEE/STAFF INTERACTION

- Mayor Russell stated Thursday morning was suggested for a potential Special Meeting and asked for a time from Council. The meeting will be at 10 AM.
- Shannon Haydin met with Premier Home Health about their sign and they will submit an appeal to the Board of Adjustments and the Board needs to set the hearing, we have 45 days from the date of application to set a hearing. Discussion held on January 11 is set for a joint work session with the Airport Board. When the appeal comes in staff will contact Council to set a date.
- Trustee Lacy asked about NIMS training and doing it "on-line". Sue stated we will try to schedule NIMS training for the Board as a whole; Sue noted we anticipate some grants by March and we need everyone compliant by then. Chief Darrell Pratt advised he can contact a local instructor for some training. Trustee Benson and Mayor Russell have participated in the training.
- Trustee Mitchell stated the snowflakes on the highway are "on the money" for what we authorized and they look great.

EXECUTIVE SESSION for discussion of a personnel matter under CRS 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees but to discuss the Town Attorney position

Motion #8 by Trustee Benson, seconded by Trustee Flint, to enter into Executive Session for discussion of a personnel matter under CRS 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees but to discuss the Town Attorney position. Motion Carried.

Those present for Executive Session were Mayor Cara Russell, Trustees Brett Mitchell, Robert Flint, Duff Lacy, Norm Nyberg, Joel Benson and Town Administrator Sue Boyd. Executive Session was held from 8:17 PM to 8:56 PM.

Motion #9 by Trustee Benson, seconded by Trustee Lacy, to adjourn back to Regular Session. Motion Carried.

ADJOURNMENT

Motion #10 by Trustee Flint, seconded by Trustee Mitchell, noting that there being no further business to come before the Board declared that the meeting be adjourned at 8:58 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer